

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
LUBBOCK DIVISION

STATE OF TEXAS, et al.,

Plaintiff,

v.

UNITED STATES DEPARTMENT OF
TRANSPORTATION, et al.,

Defendants.


No. 5:23-CV-304-H

FINAL JUDGMENT

For the reasons set forth in the Court's Memorandum Opinion and Order on this date (Dkt. No. 34), it is hereby ordered and adjudged that the plaintiffs' motion for summary judgment (Dkt. No. 18) is granted. The defendants' cross-motion for summary judgment (Dkt. No. 24) is denied. It is further ordered and adjudged that:

1. Final Judgment is entered in favor of the plaintiffs on Claim I of the Complaint. *See* Dkt. No. 1 at ¶¶ 46–51.
2. The Court does not reach Claims II and III. *See* Dkt. No. 1 at ¶¶ 52–62.
3. The Court vacates and sets aside, in its entirety, the Federal Highway Administration's Final Rule titled *National Performance Management Measures; Assessing Performance of the National Highway System, Greenhouse Gas Emissions Measure* (88 Fed. Reg. 85,364 (Dec. 7, 2023)). The Court remands this matter to the Secretary of Transportation for further consideration. The Court denies all other requested relief.
4. The Court administratively stays this Order for seven days to permit the United States to seek relief, if it so chooses, from the Fifth Circuit. To give effect to the stay while simultaneously protecting the plaintiffs' rights, the Court orders that the plaintiffs are not required to comply with the 2023 Rule's requirements during the administrative-stay period, nor shall the plaintiffs face any consequence for their non-compliance with the 2023 Rule during that window.

So ordered on March 27, 2024.



JAMES WESLEY HENDRIX
UNITED STATES DISTRICT JUDGE